

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
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FILED

06 APR 20 PM 2:13

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DISTRICT OF MICH

BY *af*

UNITED STATES OF AMERICA,

Plaintiff,

No. **1:06CR0092**

vs.

Robert Holmes Bell  
Chief, U.S. District Judge

JOHN MART MESSER and  
DEBORAH Y. MESSER,

Defendant.

MOTION TO SEAL

Now comes the United States of America by Margaret M. Chiara, United States Attorney for the Western District of Michigan, and Brian K. Delaney, Assistant United States Attorney, and moves this court to seal the Indictment in the above entitled case in order that the execution of the arrest warrant be unimpeded and that such sealing remain in force and operation until the defendants are advised of these proceedings, arrested, the investigation is completed, or further order of this court.

Respectfully submitted,

MARGARET M. CHIARA  
United States Attorney

*Daniel K. Delaney*

BRIAN K. DELANEY  
Assistant United States Attorney  
P.O. Box 208  
Grand Rapids, MI 49501-0208  
(616) 456-2404

Dated: 4/20/06

IT IS SO ORDERED.

Dated: 4/20/06

*Joseph G. Scoville*  
JOSEPH G. SCOVILLE  
United States Magistrate Judge  
United States District Court

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
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UNITED STATES OF AMERICA,

Plaintiff,

No. **1:06CR0092**

v.

Hon. Robert Holmes Bell  
Chief, U.S. District Judge

JOHN MART MESSER and  
DEBORAH Y. MESSER,

INDICTMENT

Defendants.

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The Grand Jury charges:

COUNT 1

On or about January 20, 2006, in Emmet County, in the Southern Division of the  
Western District of Michigan, and elsewhere

**JOHN MART MESSER**

did knowingly use an express company or other common carrier for carriage in interstate  
commerce and delivery to a location outside the state of Michigan in Fairfax County,  
Virginia, of a package which contained one or more video cassette tapes that are obscene,  
in violation of 18 U.S.C. § 1462, including video cassette tapes **JMM 934, JMM 979,**  
**and JMM 993.**

**18 U.S.C. § 1462(a)**

**COUNT 2**

On or about March 15, 2006, in Emmet County, in the Southern Division of the Western District of Michigan,

**JOHN MART MESSER**

did knowingly use the mails for mailing, carriage in the mails, and delivery to an address in Fairfax County, Virginia, of a parcel containing non-mailable obscene matter, that is, a parcel containing a video cassette tape entitled **JMM 831** violation of 18 U.S.C. § 1461.

**18 U.S.C. § 1461**

**COUNT 3**

Between on or about January 20, 2006, and on or about March 29, 2006, the exact dates unknown, in Emmet County, in the Southern Division of the Western District of Michigan,

**JOHN MART MESSER and  
DEBORAH Y. MESSER,**

Defendants herein did as follows: JOHN MART MESSER aided and abetted by DEBORAH Y. MESSER, while engaged in the business of selling and transferring obscene matter, did knowingly possess with intent to distribute obscene matter, that is, video cassette taped movies entitled **JMM 934, JMM 979, and JMM 993**, which had been shipped and transported in interstate and foreign commerce in violation of 18 U.S.C.

§§ 1466, 2.

**18 U.S.C. § 1466**

**18 U.S.C. § 2**

**COUNTS 4 - 9**

Between on or about February 20, 2004, and on or about February 24, 2006, the exact dates unknown, in Emmet County, in the Southern Division of the Western District of Michigan, and elsewhere,

**JOHN MART MESSER**

did knowingly receive visual depictions, as listed below, that had been mailed, and had been shipped or transported in interstate and foreign commerce, and which contained materials which had been mailed and so shipped or transported, by any means including by computer, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct in violation of 18 U.S.C. §§ 2252(a)(2) and 2252(b)(1):

<b><u>Count</u></b>	<b><u>Date</u></b>	<b><u>Description</u></b>
<b>4</b>	<b>February 20, 2004</b>	<b>One or more image(s) of child pornography from the website RCP Hardcore 4 (perso.wanadoo.es)</b>
<b>5</b>	<b>March 10, 2004</b>	<b>One or more image(s) of child pornography from the website Devil_Dozen (perso.wanadoo.es/takritta/tour.html)</b>
<b>6</b>	<b>March 15, 2004</b>	<b>One or more image(s) of child pornography from the Pedo Land website (fdg45t3.com)</b>

<b>7</b>	<b>March 20, 2004</b>	<b>One or more image(s) of child pornography from the website Kids Porn (nyhug.com)</b>
<b>8</b>	<b>March 20, 2005</b>	<b>One or more image(s) of child pornography from the website Sick Child Room (interike.com)</b>
<b>9</b>	<b>February 24, 2006</b>	<b>One or more video file(s) of child pornography from the website Forbidden Childporn (<a href="http://sipykaloi.org">http://sipykaloi.org</a>)</b>

**18 U.S.C. § 2252(a)(2)**

**18 U.S.C. § 2252(b)(1)**

**COUNT 10**

On or about March 29, 2006, in Emmet County, in the Southern Division of the Western District of Michigan,

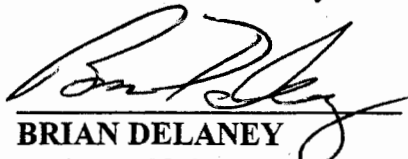
**JOHN MART MESSER**

did knowingly possess one or more matters which contained visual depictions that had been mailed, and had been shipped in interstate or foreign commerce, and which were produced using materials which had been mailed and so shipped or transported, by any means, including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct, including but not limited to, one or more of the following: A collage containing one or more image of child pornography and a black binder containing more than three images of child pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)2.

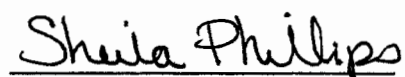
**18 U.S.C. § 2252(a)(4)(B)**

**18 U.S.C. § 2252(b)(2)**

**MARGARET M. CHIARA**  
United States Attorney

  
**BRIAN DELANEY**  
Assistant United States Attorney

**BRENT WARD**  
Director of Obscenity  
Prosecution Task Force

  
**SHEILA PHILLIPS**  
Trial Attorney

**A TRUE BILL**

  
**GRAND JURY FOREPERSON**